

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUANE WILLIAM MITTENS JR.,

Defendant.

CR-21-40-GF-BMM

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 4, 2025. (Doc. 56.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 3, 2025 (Doc. 52.) The United States accused Duane Mittens (Mittens) of violating the conditions of his supervised release by: (1) consuming alcohol on March 9 and March 10, 2025; and (2) attempting to avoid a home visit by his probation officer by hiding in the shower on March 10, 2025. (Doc. 49.)

At the revocation hearing, Mittens admitted he had violated the conditions of his supervised by: (1) consuming alcohol on March 9 and March 10, 2025; and (2) attempting to avoid a home visit by his probation officer by hiding in the shower on March 10, 2025. (Doc. 52.)

Judge Johnston found that the violations Mittens admitted proves serious and warrants revocation of Mittens's supervised release and recommends a term of custody until noon on June 14, 2025 with no term of supervised release to follow. (Doc. 56.) The Court advised Mittens of his right to appeal and to allocute before the undersigned. (Doc. 52.)

The violation proves serious and warrants revocation of Mittens's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 56) are **ADOPTED IN FULL. IT IS FURTHER**

**ORDERED** that Duane William Mittens be sentenced to a term of custody of until noon on June 14, 2025 with no supervised release to follow.

DATED this 29<sup>th</sup> day of April 2025.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris, Chief District Judge  
United States District Courts